IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2499 of 1993

MAGNA RAM
V/S
STATE & ANR

Mr. RAJEEV PUROHIT for Mr. BL PUROHIT, for the appellant / petitioner

Date of Order : 6.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The petitioner, by this petition, prays for a direction to the Sub Registrar to register the document Annexure-2 forthwith.

The allegations of the writ petition are, that the petitioner purchased certain agricultural land vide Annexure-2. This sale deed was presented for registration before the Sub Registrar on 25.6.1992, and then certain pleadings have been taken about leviable stamp duty. Then, it is alleged that under Section 47A of the Stamp Act the registering officer can enquire into the market price of the land, in case he has reason to believe, that the document is undervalued, and in absence of any such reason being there, he has no jurisdiction to send the document to Collector. Then, provisions of Rule 59B have been pleaded,

and duties of Sub Registrar as provided in Section 52 have been quoted, and it is alleged, that the respondent no.2 has failed to discharge his statutory duties for the last about 9 months. With these allegations the above reliefs have been claimed.

The respondents, in reply have alleged, that the sale deed was grossly undervalued, and the petitioner was advised to affix the proper stamp duty. Then, the pleadings about the valuation have been controverted. Regarding Section 47A it is pleaded, that the document is forwarded only in the event of the executant's failing to pay the difference of the stamp duty. Then it is pleaded, that in the instant case the Sub Registrar, after providing proper opportunity to the executant, and after following the procedure laid down in the Act, forwarded the document to the Collector, Pali. Then, the pleadings about valuation of the property, taken by the petitioner, have been controverted.

Thus, from the combined reading of the two pleadings, it transpires, that the petitioner, in one breath means to contend, that the registering officer has no jurisdiction to send the document to Collector, while respondents have contended, that after giving opportunity of hearing to the petitioner, the document was forwarded to the Collector. However, it is not disclosed from the

pleadings, as to what precise order was passed by the Collector, and when.

The matter relates to the year 1992, and by now in all probability the order must have been passed by the Collector. In the event the order had been passed, the petitioner may have had his remedy under the various provisions of the Stamp Act, and if those remedies are not availed, the order of the Collector has to be complied with. However, if no order has been passed by the Collector so far, the petitioner may approach the Collector, and request him to decide the matter. The writ petition is accordingly disposed of.

(N P GUPTA),J.

/Sushil/